## IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF VIRGINIA ROANOKE DIVISION

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| MICHAEL FORMICA,             | ) CASE NO. 7:14CV00449                                  |
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| Plaintiff,                   | )<br>)  |
| <b>v.</b>                    | ) ORDER<br>)  |
| F. G. AYLOR, <u>ET AL.</u> , | ) By: Glen E. Conrad Chief United States District Judge |
| Defendant(s).                | ,<br>)  |

In accordance with the accompanying memorandum opinion, it is hereby

## ADJUDGED AND ORDERED

## as follows:

- 1. Defendants' motion to dismiss (ECF No. 25) is **GRANTED IN PART AND DENIED IN PART**: the motion is **DENIED** as to plaintiff's claims that defendants delayed or denied oral surgery care for two serious medical needs based on plaintiff's indigence, but the motion is **GRANTED** as to all other claims;
- 2. Defendants are **DIRECTED** to file an answer and any additional dispositive motion regarding plaintiff's remaining claims within 30 days from entry of this order; and
- 3. This matter is **REFERRED** to United States Magistrate Judge Joel C. Hoppe, pursuant to 28 U.S.C. § 636(b)(1)(B), for conduct of appropriate proceedings and for the submission of a report setting forth findings of fact, conclusions of law, and a recommended disposition.

ENTER: This 5<sup>td</sup> day of August, 2015.

Chief United States District Judge